

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**


ARCIDES CRUZ-HERNANDEZ,	§	
Plaintiff,	§	
vs.	§	Civil Action No. 3:16-CV-220-M-BH
	§	
JOHNSON COUNTY DETENTION	§	
CENTER, et al.,	§	
Defendants.	§	Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

U.S. Immigration and Customs Enforcement's Motion to Dismiss for Lack of Subject Matter Jurisdiction, filed July 5, 2016 (doc. 30), and *Defendant Johnson County Detention Center's Rule 12(b)(6) Motion to Dismiss*, filed July 6, 2016 (doc. 33) are both **GRANTED**. The alternative *U.S. Immigration and Customs Enforcement's Motion for a More Definite Statement*, filed July 5, 2016 (doc. 30), is **DENIED as moot**. By separate judgment, the plaintiff's Federal Tort Claims Act and immigration claims will be **DISMISSED without prejudice** for lack of subject matter jurisdiction, and the plaintiff's 42 U.S.C. § 1983, *Bivens*, and Title VII claims against any remaining defendants will be **DISMISSED with prejudice** for failure to state a claim.

SIGNED this 31st day of January, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE